

AMENDED IN SENATE JUNE 8, 2004
AMENDED IN ASSEMBLY MARCH 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1907

Introduced by Assembly Member Pacheco

February 9, 2004

An act to amend Section 451.5 of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL'S DIGEST

AB 1907, as amended, Pacheco. Arson.

Existing law defines the crime of aggravated arson, and makes a person guilty of that crime if the fire caused property damage and other losses in excess of \$5,000,000. Existing law specifies costs to be included in calculating property damage for purposes of these provisions. Existing law repeals the provisions relating to property damage on January 1, 2005.

This bill would ~~delete the repeal date~~ *increase the amount of property damage and other losses to \$6,500,000 and would extend the repeal date for the provisions relating to property damage until January 1, 2010*. By extending the operative effect of an existing crime *and changing the definition of an existing crime*, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 451.5 of the Penal Code is amended to
2 read:

3 451.5. (a) Any person who willfully, maliciously,
4 deliberately, with premeditation, and with intent to cause injury to
5 one or more persons or to cause damage to property under
6 circumstances likely to produce injury to one or more persons or
7 to cause damage to one or more structures or inhabited dwellings,
8 sets fire to, burns, or causes to be burned, or aids, counsels, or
9 procures the burning of any residence, structure, forest land, or
10 property is guilty of aggravated arson if one or more of the
11 following aggravating factors exists:

12 (1) The defendant has been previously convicted of arson on
13 one or more occasions within the past 10 years.

14 (2) (A) The fire caused property damage and other losses in
15 excess of ~~five million dollars (\$5,000,000)~~. *five million six*
16 *hundred fifty thousand dollars (\$5,650,000)*.

17 (B) In calculating the total amount of property damage and
18 other losses under subparagraph (A), the court shall consider the
19 cost of fire suppression. *It is the intent of the Legislature that this*
20 *paragraph be reviewed within five years to consider the effects of*
21 *inflation on the dollar amount stated herein. For that reason, this*
22 *paragraph shall remain in effect until January 1, 2010, and as of*
23 *that date is repealed, unless a later enacted statute, which is*
24 *enacted before January 1, 2010, deletes or extends that date.*

25 (3) The fire caused damage to, or the destruction of, five or
26 more inhabited structures.

27 (b) Any person who is convicted under subdivision (a) shall be
28 punished by imprisonment in the state prison for 10 years to life.

29 (c) Any person who is sentenced under subdivision (b) shall not
30 be eligible for release on parole until 10 calendar years have
31 elapsed.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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